

STAFFORD COUNTY SCHOOL BOARD

Agenda Consideration

TOPIC: Conveying Armstrong Property
to Stafford County

ITEM NO: 9A

PREPARED BY: H. Charles Woodruff, II
Assistant Superintendent
for Financial Services

MEETING DATE: December 9, 2003

ACTION DATE: December 9, 2003

FIRST MEETING: October 28, 2003

ACTION REQUESTED BY THE SUPERINTENDENT:

That the Stafford County School Board approve the attached resolution approving the transfer of Armstrong Property to Stafford County.

KEY POINTS:

- At the October 28, 2003, School Board meeting, a resolution was presented conveying the Armstrong property to Stafford County. Legal counsel has advised that in order to develop the non-K-12 facilities on the Armstrong site, the site must be conveyed to Stafford County. The County will then lease the school site to the School Board under a long term lease. The County will lease the remaining property to the Industrial Development Authority.
- The School Board requested revisions to the resolution that would require restrictions in the Deed from the School Board to the County and legal counsel has concluded that the statutory framework for disposition of property by the School Board does not allow for such deed restrictions.
- The attached resolution was amended by legal counsel to clarify that the Armstrong Property is to be used for purposes in the PPEA agreement or other compatible uses and also provides that it will be recorded as an attachment to the Deed (these amendments are underlined for easy reference). (Please note: Due to action taken by the Stafford County Board of Supervisors, the provisions in the resolution regarding the Leeland Station Property have been deleted.)

SCHOOL BOARD GOAL 4: Address the impact of continuing population growth by developing plans to address expanding staff, facilities, transportation, attendance zones, and instruction.

SCHOOL BOARD GOAL 5: Provide facilities that promote student learning and community support.

FUNDING SOURCE: Not applicable.

AUTHORIZATION REFERENCE: Not applicable.

STAFFORD COUNTY PUBLIC SCHOOLS

SCHOOL BOARD MEMBERS

EDWARD J. SULLIVAN
Chairman

PATRICIA HEALY
Vice Chairman

ROBERT BELMAN
BARBARA A. COLE
ROBERT P. HUNT
THOMAS F. VILLACRES
KAREN D. ZINK

31 Stafford Avenue
Stafford, Virginia 22554-7246
Phone: 540-658-6000
Fax: 540-658-5963
<http://www.pen.k12.va.us/Div/Stafford>

JEAN S. MURRAY, ED.D.
Superintendent



RESOLUTION

AUTHORIZING THE CONVEYANCE AND LEASING OF CERTAIN PROPERTY IN CONNECTION WITH THE CONSTRUCTION OF SCHOOL FACILITIES ON THE ARMSTRONG PROPERTY

WHEREAS, the School Board of Stafford County, Virginia (the "School Board") and the County of Stafford, Virginia (the "County") entered into a Comprehensive Agreement with Haskell/Hess P3 Schools, a Joint Venture for the construction of an elementary school and a high school on property known as the Armstrong Property (the "School Facilities").

WHEREAS, pursuant to the Comprehensive Agreement, the School Board and the County propose to co-locate certain facilities on the Armstrong Property (the "Co-Located Facilities") and the net revenues from such facilities will be applied to offset the costs of construction of the Stafford County public schools.

WHEREAS, the School Board is the owner of the Armstrong Property and the School Board proposes to enter into certain conveyances and leases with the County in order to facilitate the construction of the School Facilities and the development of the Co-Located Facilities on such site.

WHEREAS, it is the School Board's intent that the Armstrong Property will be used only for the School Facilities and the Co-Located Facilities and that any other use of such properties will be compatible with the School Facilities

NOW, THEREFORE, BE IT RESOLVED BY THE STAFFORD COUNTY SCHOOL BOARD.

1. Conveyance of Armstrong Property. In accordance with Section 22.1-129 of the Code of Virginia the School Board hereby determines that certain portions of the Armstrong Property will not be used for public school purposes and constitutes surplus property that shall be conveyed to the County. In addition, in order to maintain the boundaries of the Armstrong Property in a manner that facilitates the construction of the School Facilities on the Armstrong Property and the development of the Co-Located Facilities on the Armstrong Property all in accordance with the Comprehensive Agreement, the School Board agrees to convey to the

RESOLUTION

AUTHORIZING THE CONVEYANCE AND LEASING OF CERTAIN PROPERTY IN CONNECTION WITH THE CONSTRUCTION OF SCHOOL FACILITIES ON THE ARMSTRONG PROPERTY (CONTINUED)

County the remaining portions of the Armstrong Property, which property shall be leased back to the School Board by the County to be used for School Facilities.

2. Lease of School Property. The Chairman of the School Board and the Superintendent, or either of them, are authorized and directed to determine the portion of the Armstrong Property that is necessary or desirable for the construction and operation of the School Facilities (the "School Property"). The School Board shall lease the School Property from the County pursuant to a lease or leases between the County and the School Board (collectively, the "Lease"). The Lease shall provide for a term of at least 40 years with a nominal rental payment.

3. Authorization and Execution of Documents. The Chairman of the School Board and the Superintendent, or either of them, are authorized to approve an appropriate deed or deeds to the County (collectively, the "Deed") and the Lease in accordance with the provisions of this Resolution, such approval to be evidenced conclusively by the execution and delivery of such documents. The Chairman of the School Board and the Superintendent, or either of them, are authorized to execute and deliver on behalf of the School Board, such deed or deeds and the Lease, and, if required, the Clerk or the Chairman of the School Board is authorized and directed to affix or to cause to be affixed the seal of the School Board to such documents and to attest such seal. Such officers or their designees are authorized to execute and deliver on behalf of the School Board such instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution and all of the foregoing, previously done or performed by such officers or agents of the School Board, are in all respects approved, ratified and confirmed.

4. Recording of Resolution. This Resolution shall be attached to and recorded with the Deed.

The undersigned Superintendent of the School Board for the County of Stafford, Virginia certifies that the foregoing resolution was duly adopted at a meeting of the School Board duly called and held on December 9, 2003.

5. Effective Date. This Resolution shall take effect immediately.

Superintendent, School Board of the
County of Stafford, Virginia

Clerk

RESOLUTION OF THE SCHOOL BOARD OF THE COUNTY OF STAFFORD, VIRGINIA AUTHORIZING THE CONVEYANCE AND LEASING OF CERTAIN PROPERTY IN CONNECTION WITH THE CONSTRUCTION OF SCHOOL FACILITIES ON THE ~~LEELAND STATION AND ARMSTRONG PROPERTIES~~PROPERTY

WHEREAS, the School Board of Stafford County, Virginia (the "School Board") and the County of Stafford, Virginia (the "County") entered into a Comprehensive Agreement with Haskell/Hess P3 Schools, a Joint Venture for the construction of an elementary school and a high school on property known as the Armstrong Property ~~and the construction of an elementary school on property known as the Leeland Station Property~~ (the "School Facilities").

WHEREAS, pursuant to the Comprehensive Agreement, the School Board and the County propose to co-locate certain facilities on the Armstrong Property ~~and the Leeland Station Property~~ (the "Co-Located Facilities") and the net revenues from such facilities will be applied to offset the costs of construction of the Stafford County public schools.

WHEREAS, the School Board is the owner of the Armstrong Property and the ~~County is the owner of the Leeland Station Property and the~~ School Board proposes to enter into certain conveyances and leases with the County in order to facilitate the construction of the School Facilities and the development of the Co-Located Facilities on such sitessite.

WHEREAS, it is the School Board's intent that the Armstrong Property will be used only for the School Facilities and the Co-Located Facilities and that any other use of such properties will be compatible with the School Facilities

NOW, THEREFORE, BE IT RESOLVED BY THE STAFFORD COUNTY SCHOOL BOARD.

1. Conveyance of Armstrong Property. In accordance with Section 22.1-129 of the Code of Virginia the School Board hereby determines that certain portions of the Armstrong Property will not be used for public school purposes and constitute surplus property that shall be conveyed to the County. In addition, in order to maintain the boundaries of the Armstrong Property in a manner that facilitates the construction of the School Facilities on the Armstrong Property and the development of the Co-Located Facilities on the Armstrong Property all in accordance with the Comprehensive Agreement, the School Board agrees to convey to the County the remaining portions of the Armstrong Property, which property shall be leased back to the School Board by the County to be used for School Facilities.

2. Lease of School Property. The Chairman of the School Board and the Superintendent, or either of them, are authorized and directed to determine the ~~portions~~portion of the Armstrong Property ~~and the Leeland Station Property~~ that ~~are~~is necessary or desirable for the construction and operation of the School Facilities (the "School Property"). The School Board shall lease the School Property from the County pursuant to a lease or leases between the County and the School Board (collectively, the "Lease"). The Lease shall provide for a term of at least 40 years with a nominal rental payment.

3. Authorization and Execution of Documents. The Chairman of the School Board and the Superintendent, or either of them, are authorized to approve an appropriate deed or deeds to the County (collectively, the "Deed") and the Lease in accordance with the provisions of this Resolution, such approval to be evidenced conclusively by the execution and delivery of such documents. The Chairman of the School Board and the Superintendent, or either of them, are authorized to execute and deliver on behalf of the School Board, such deed or deeds and the Lease, and, if required, the Clerk or the Chairman of the School Board is authorized and directed to affix or to cause to be affixed the seal of the School Board to such documents and to attest such seal. Such officers or their designees are authorized to execute and deliver on behalf of the School Board such instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution and all of the foregoing, previously done or performed by such officers or agents of the School Board, are in all respects approved, ratified and confirmed.

4. Effective Date ~~Recording of Resolution.~~ This Resolution shall take effect immediately be attached to and recorded with the Deed.

The undersigned Superintendent of the School Board for the County of Stafford, Virginia certifies that the foregoing resolution was duly adopted at a meeting of the School Board duly called and held on December 9, 2003.

5. Effective Date This Resolution shall take effect immediately.

Superintendent, School Board of the County
of Stafford, Virginia